

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL MILLER,	:	
Plaintiff,	:	No. 5:24-CV-05338-JFL
	:	
v.	:	Judge Joseph F. Leeson, Jr.
	:	
COUNTY OF LANCASTER, <i>et al.</i> ,	:	
Defendants	:	

**DEFENDANTS’ MOTION FOR EXTENSION OF TIME TO RESPOND TO
PLAINTIFF’S AMENDED COMPLAINT (DOC. NO. 4)**

Defendants County of Lancaster, Tammy Bender, Jacqueline Pfursich, Joshua Parsons, Ray D’Agostino, and Christa Miller (collectively, “Defendants”), by and through their undersigned counsel, McNees Wallace & Nurick LLC, hereby move for an extension of time to respond to *pro se* Plaintiff Michael Miller (“Plaintiff”)’s Amended Complaint filed in the above-captioned action on October 12, 2024 (Doc. No. 4), and in support thereof, respectfully state as follows:

1. Plaintiff initiated this action on October 5, 2024, by filing a Complaint in this Court against Defendants. (Doc. No. 1).
2. Plaintiff subsequently filed an Amended Complaint against Defendants on October 12, 2024 (Doc. No. 4) and served the Amended Complaint on Defendants on October 16, 2024 (Doc. No. 7).¹

¹ Plaintiff appears to have served on Defendants the same document that is the Amended Complaint filed with this Court (Doc. No. 4). As the Amended

3. The Amended Complaint, which is 80 pages long, asserts a variety of claims against Defendants, including multiple constitutional claims under federal and state law. *See generally* Doc. No. 4.

4. By operation of Federal Rule of Civil Procedure 12(a)(1)(A)(i), Defendants' response to the Amended Complaint is due November 6, 2024.

5. Defendants respectfully request a fourteen-day extension of time to file their response to the Amended Complaint, and thus to extend the operative deadline to Wednesday, November 20, 2024.

6. Defendants make this request in good faith based on the significant number of allegations presented in the Amended Complaint, in addition to reasons related to undersigned counsel's personal circumstances.

7. The Amended Complaint is lengthy and sets forth twelve counts, including various constitutional claims and claims based on state and federal statutes governing election standards. *See generally* Doc. No. 4.

8. On the date the Amended Complaint was served, undersigned counsel Attorney Hyser-Staub suffered a personal family tragedy and has been working with limited availability since then.

Complaint notes, though, although the Amended Complaint makes reference to various exhibits, Plaintiff did not include those exhibits with the Amended Complaint filed with the Court or served on Defendants and, rather, intends to provide such exhibits in the course of discovery. *See* Doc. Nos. 4, 9.

9. The combination of both items noted above—the lengthy Amended Complaint and counsel’s recent unforeseen personal circumstances—result in the need for additional time for undersigned counsel to prepare a response to the Amended Complaint on behalf of Defendants.

10. On October 22, 2024, undersigned counsel advised Plaintiff of their intent to seek a 60-day extension of time to respond due to the circumstances outlined above, but Plaintiff declined to concur in this request.

11. On October 29, 2024, undersigned counsel reduced the requested extension to 14 days and sought Plaintiffs’ concurrence again – he declined to concur a second time.

12. Accordingly, Defendants respectfully now seek this extension from the Court.

13. Defendants submit that a 14-day extension of time to prepare their response to the extremely lengthy Amended Complaint is reasonable and necessary for good cause. *See* Fed. R. Civ. P. 6(b)(1) (noting that the Court, may, “for good cause,” extend the applicable time period “[w]hen an act may or must be done within a specified time”).

14. Further, the requested extension, which is relatively modest in the broad scheme of federal litigation, will not cause Plaintiff undue prejudice or delay.

15. Pursuant to Local Rule 7.1(d), this Motion is not certified as uncontested, and this Motion will be served on Plaintiff via electronic mail, as Plaintiff has advised that he does not presently have e-filing privileges and has consented to service by electronic mail.

WHEREFORE, for the reasons discussed in more detail in the accompanying brief, Defendants respectfully request a fourteen-day extension of time to respond to the Amended Complaint, so as to extend the operative deadline to November 20, 2024.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By: Sarah H Staub

Sarah Hyser-Staub, PA ID 315989

Lauren Anthony, PA ID 324557

100 Pine Street

P.O. Box 1166

Harrisburg, PA 17108-1166

(717) 232-8000

sstaub@mcneeslaw.com

lanthony@mcneeslaw.com

Dated: October 31, 2024

Attorneys for Defendants

CERTIFICATE OF NON-CONCURRENCE

The undersigned hereby certifies that counsel for Defendants sought concurrence from Plaintiff in the relief requested in Defendants' Motion for Extension of Time via electronic mail on October 29, 2024. Plaintiff does not concur in the relief requested in this Motion.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By: 
Sarah Hyser-Staub, PA ID 315989
Lauren Anthony, PA ID 324557
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
(717) 232-8000
sstaub@mcneeslaw.com
lanthony@mcneeslaw.com

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Attorneys for Defendants